

REMARKS/ARGUMENTS

This is in response to the Office Action of March 13, 2006 issued for the above-identified patent application. The period for response has been extended by one (1) month to July 13, 2006 by the enclosed petition for extension of time.

The rejection of claims 1-22 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-36 of U.S. Patent No. 6,338,739 is respectfully traversed.

Applicants have submitted herewith a Terminal Disclaimer disclaiming the term of any patent that may issue on the present patent application beyond the term of U. S. Patent No. 6,333,739.

Accordingly, the Examiner is respectfully requested to remove this rejection.

The rejection of claims 1-22 on the ground of nonstatutory obviousness- type double patenting as being unpatentable over claims 1-2 of U.S. Patent No. 6,423,092 is respectfully traversed.

Applicants have submitted herewith a Terminal Disclaimer disclaiming the term of any patent that may issue on the present patent application beyond the term of U. S. Patent No. 6,423,092.

Accordingly, the Examiner is respectfully requested to remove this rejection.

The provisional rejection of claims 1-22 on the ground of nonstatutory obviousness- type double patenting as being unpatentable over claims 1-17 of copending Application No. 10/256,942 is respectfully traversed.

Applicants have submitted herewith a Terminal Disclaimer disclaiming the term of any patent that may issue on the present patent application beyond the term of any patent that may issue on co-pending U. S. Patent Application Serial No. 10/256,942.

Accordingly, the Examiner is respectfully requested to remove this rejection.

The rejection of claims 1-22 on the ground of nonstatutory obviousness- type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,537,312 is respectfully traversed.

Applicants have submitted herewith a Terminal Disclaimer disclaiming the term of any patent that may issue on the present patent application beyond the term of U. S. Patent No. 6,537,312.

Accordingly, the Examiner is respectfully requested to remove this rejection.

The rejection of claims 1-22 under U.S.C. 103(a) as being upatentable over Wang et al. (WO98/46312) in view of Jamiolkowski et al. (U.S. 4,889,119) is respectfully traversed.

Applicants respectfully submit that neither Wang et al. nor Jamiolkowski et al., either alone or in combination, disclose or suggest Applicants claimed invention.

Applicants' invention is a stent made from helical coils having distal and proximal sections having different diameters. The Applicants' stents are made from biodegradable fibers having an inner biodegradable core and a biodegradable outer section covering the exterior surface of the inner core. The biodegradable outer section comprises two separate biodegradable components. The degradation rate of the outer section is lower than the degradation rate of the inner core. Although Wang et al. disclose a stent, Wang et al. do not contemplate Applicants's stent having a plurality of helical coils with a proximal section and a distal section having different diameters. Wang et al. state on Page 3, lines 30-31 that the coil stent of FIG. 2 is made from a strand of a single polymeric material, and then the entire stent is coated with a second polymeric composition. In contrast, Applicants' stent is made from a fiber having both an inner biodegradable polymeric core and an exterior biodegradable polymeric section having a second degradation rate. Wang et al. also disclose a spiral coil made from multi-layer strips on Pages 6-7, but do not disclose Applicants' fibers having inner cores. The strips of Wang et al. do not have cores. In further distinction to Applicants' invention, the stents of Wang et al. are required to be expandable or self-expanding, whereas Applicants stents are not. Jamiolkowski et al. disclose a surgical fastener that is biodegradable. Jamiolkowski et al. do not disclose or contemplate stents. Jamiolkowski does not disclose biodegradable components having an inner core with a first degradation rate and an outer section with a second degradation rate.

The combination of Jamiolkowski et al. and Wang et al. would not produce Applicants' invention, and the Examiner has pointed to no teaching or reference suggesting the desirability of combining the references.

It can be seen that Applicants' novel invention is neither disclosed nor suggested by either reference, either alone or in combination.

Accordingly, the Examiner is respectfully requested to withdraw this rejection.

Therefore, on the basis of the foregoing discussion, the Examiner is respectfully requested to withdraw his rejections and allow the claims as amended.

Respectfully submitted,

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